

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject:

**Assembly Bill (AB) 202 One Handgun Purchase
Per Thirty (30) Days**

No.:

99-07-FD

Date: **12/17/99**

For further information contact:

Firearms Division

(916) 227-3703

TO: ALL FIREARM DEALERS

This is to notify you that effective January 1, 2000, the Department of Justice (DOJ) will begin screening all handgun transactions to ensure compliance with Assembly Bill 202 (Chapter 128, Statutes of 1999). This new law prohibits California firearm dealers from selling/transferring title of any handgun to any person who has already acquired a handgun within the State of California in the past thirty (30) days. This law has been incorporated into California Penal Code (PC) sections 12071 and 12072.

DOJ will reject Dealer's Record of Sale (DROS) applications submitted by any firearm dealer when it has been determined that the purchaser has completed a handgun DROS application that has been accepted by DOJ within the past thirty calendar days. In computing the thirty day period, the date the DROS application is accepted for processing by DOJ shall count as the first day. As a reminder, a DROS application has been accepted for processing by DOJ when a DROS number has been assigned by either the DROS Entry System (DES) point-of-sale device (PSD) or when MCI issues a DROS number over the telephone for an application that has been processed through the DES telephone call center.

DROS rejections based on violations of the thirty day restriction will be handled in the same manner as a DROS denial/cancellation. Accordingly, DOJ will notify the dealer of the DROS rejection by both telephone and U.S. mail. Those dealers who have been assigned a PSD will receive an additional notice via the PSD e-mail notification system. In such cases, the dealer will be advised that the rejection is based on a violation of the one handgun per 30-day limitation imposed by PC Section 12071.

There are several categories of persons/entities exempt from the new requirement, listed in PC Section 12072, including:

- Any law enforcement agency.
- Any agency duly authorized to perform law enforcement duties.
- Any state or local correctional facility.
- Any private security company licensed to do business in California.
- Any person who is properly identified as a full-time paid peace officer, who is authorized to, and does carry a firearm during the course and scope of his or her employment as a peace officer.

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- Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.
- Any person who may, pursuant to PC Section 12078, claim an exemption from the waiting period.
- Any private party sale or transfer conducted through a licensed dealer pursuant to PC Section 12082 (sale or transfer between two non-licensees).
- Any transaction conducted through a law enforcement agency pursuant to PC Section 12084.
- Any person who is a licensed collector pursuant to Chapter 44 of Title 18 of the United States Code and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to PC 12071 (curio and relic firearms only).
- The exchange of a pistol, revolver, or other firearm capable of being concealed upon the person where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.
- The replacement of a pistol, revolver, or other firearm capable of being concealed upon the person when the person's pistol, revolver, or other firearm capable of being concealed upon the person was lost or stolen, and the person reported that firearm lost or stolen prior to the completion of the application to purchase to any law enforcement agency within the city or county of residence.
- The return of any pistol, revolver, or other firearm capable of being concealed upon the person to its owner.

The waiting period exemption section on both the PSD DROS entry screen drop-down menu and the hard copy DROS worksheet have been revised to include a new section entitled "30-day Multiple Purchase Exemption." A copy of the revised DROS worksheet is enclosed to assist you in complying with this new requirement. The location of this new exemption box has been highlighted on the enclosed revised DROS worksheet. Please use this worksheet as a "Master" from which you should print or photocopy your supplies of the form. The new DROS worksheet is also available for download from our website at <http://caag.state.ca.us/firearms/forms>.

The "30-day Multiple Purchase Exemption" should be selected only when completing a DROS on a purchaser who presents valid proof of exemption, as listed above. However, if the purchaser presents valid proof of an exemption from the DROS waiting period defined in PC Section 12078, you should choose the appropriate DROS waiting period exemption selection (e.g., peace officer with an exemption letter) and **not** the "30-day Multiple Purchase Exemption." This is because persons exempt from the ten-day DROS waiting period as defined by PC Section 12078 will also automatically be exempted from the one handgun per thirty day restriction.

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The following is an example when **not** to use the “30-day Multiple Purchase Exemption” selection. In this instance, the DROS waiting period exemption per PC Section 12078, should be used.

Example:

The purchaser is a peace officer who presents a letter from the head of his/her agency authorizing the purchase of a handgun. Do not select the “30-day Multiple Purchase Exemption” selection in this case. Instead, choose the “Peace Officer Status” DROS waiting period exemption selection to complete the transaction.

In order to respond to routine inspections, firearm dealers are required to maintain copies of documentation that substantiate the purchaser’s claim of exemption from the 30-day handgun restriction and make them available to DOJ staff conducting firearm dealer inspections.

If you have any questions regarding the one handgun per 30-day limitation, please contact the Firearms Division at (916) 227-3703.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

Enclosure

DEALER'S RECORD OF SALE OF FIREARM WORKSHEET

CFD NUMBER:	_____
DROS NO. ASSIGNED:	_____

TRANSACTION INFORMATION

TRANSMISSION DATE: _____	TIME: _____	FIREARM TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN(S)
IF RIFLES OR SHOTGUNS, ENTER NUMBER OF FIREARMS IN TRANSACTION _____	TRANSACTION TYPE: <input type="checkbox"/> DEALER SALE <input type="checkbox"/> PRIVATE PARTY TRANSFER <input type="checkbox"/> LOAN <input type="checkbox"/> PAWN RETURN	GUN SHOW TRANSACTION? <input type="radio"/> YES <input type="radio"/> NO

WAITING PERIOD EXEMPTIONS

PURCHASER CLAIMS THE FOLLOWING WAITING PERIOD EXEMPTION PURSUANT TO 12078 PC (if applicable):

<input type="checkbox"/> PEACE OFFICER STATUS	<input type="checkbox"/> FIREARM DELIVERED AT NONPROFIT EVENT (Valid for Rifles and Shotguns Only)	<input type="checkbox"/> COLLECTOR STATUS (Valid for Curio/Relics Only)
<input type="checkbox"/> DEALER STATUS Enter CFD number: _____	<input type="checkbox"/> SPECIAL WEAPONS PERMIT Enter type of permit and number: _____	<input type="checkbox"/> Transaction exempt from the 1-handgun-per-30-day limit?

REVOLVER / PISTOL INFORMATION

MAKE (As Stamped on Handgun) (Colt, S&W, etc)	MODEL (647, Redhawk, etc)	CALIBER(S)
SERIAL NUMBER	OTHER NUMBER (If Different from Serial Number)	HANDGUN TYPE: <input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> DERRINGER
HANDGUN COLOR: <input type="checkbox"/> BLUE STEEL <input type="checkbox"/> SILVER/NICKEL/STAINLESS <input type="checkbox"/> OTHER _____	BARREL LENGTH	HANDGUN ORIGIN (USA, Italy, etc)
FRAME ONLY? <input type="radio"/> YES <input type="radio"/> NO	NEW HANDGUN? <input type="radio"/> YES <input type="radio"/> NO	COMMENTS

PURCHASER INFORMATION

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
ALIAS FIRST NAME	ALIAS MIDDLE NAME	ALIAS LAST NAME	ALIAS SUFFIX
STREET ADDRESS			ZIP CODE
<i>One of the following forms of identification is required to legally purchase firearms in California: California Driver's License (CDL), California ID (CID) card issued by the DMV, Military ID (MIL) for active duty military accompanied by permanent duty station orders indicating that the purchaser is stationed in California, or a Diplomatic Passport with a letter from the embassy or consulate.</i>			
ID TYPE (Circle One) CDL <input type="radio"/> CID <input type="radio"/> MIL <input type="radio"/> Diplomatic Passport <input type="radio"/>	ID NUMBER	ID SOURCE (State or Country)	
TELEPHONE NUMBER ()	DATE OF BIRTH MO DAY YR	PLACE OF BIRTH	RACE
SEX	EYES	HAIR	HEIGHT
			WEIGHT
			BFSC NUMBER OR EXEMPTION CODE (Handguns Only)

Answer the following questions by checking "YES" or "NO"

<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN CONVICTED OF A FELONY OR OF AN OFFENSE SPECIFIED IN PENAL CODE SECTION 12021.1, 12021(c)(1), OR 12001.6?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER A MENTAL PATIENT OR ON LEAVE OF ABSENCE FROM A MENTAL HOSPITAL AS DESCRIBED IN WELFARE AND INSTITUTIONS CODE SECTION 8100?
<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN ADJUDICATED BY A COURT TO BE A DANGER TO OTHERS, FOUND NOT GUILTY BY REASON OF INSANITY, FOUND INCOMPETENT TO STAND TRIAL, OR PLACED UNDER A CONSERVATORSHIP, PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 8103?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER CURRENTLY THE SUBJECT OF ANY RESTRAINING ORDER PURSUANT TO FAMILY CODE SECTION 6380?

IN ADDITION, I HAVE READ THE LIST OF PROHIBITED OFFENSES, AND NOTHING WOULD PRECLUDE ME FROM POSSESSING A FIREARM.

SIGNATURE OF PURCHASER _____

PRIVATE PARTY TRANSFER (SELLER INFORMATION)

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
STREET ADDRESS			ZIP CODE
ID TYPE	ID NUMBER	ID SOURCE (State or Country)	TELEPHONE NUMBER ()
DATE OF BIRTH MO DAY YR	RACE	SEX	SIGNATURE OF SELLER _____

DEALER INFORMATION

COMMENTS

DEALER TELEPHONE NUMBER ()

SIGNATURE OF SALESPERSON _____